G. R. S. App. F. IX-4]

194 2-

File No. 72-42

Previous References.

do 49-32 (S. 6, 12 HS) (do)

Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for September 1942

SUBJECT.

Amendment to Rule 57(2) of Order XXI of C.P.C.

G.O. No. P. 1814 dated 12.9.1942

To.

The Registrar, High Court of Mysore

Secretariat

Ja
3.10.42

Serial No.

1

From
The Registrar High Court
Roc No 1100 Dt 24-8-42

Requests Sanction to amend Sub rule (2) of Rule 57, order XXI, Civil Procedure Code

Submitted With References and a draft of a G.O. Sanctioning for approval or other orders.

[A Statement embodying the existing and the proposed rule is also filed]

11

For K

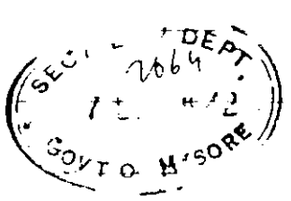
Cor 6/9

M/ 718

This is a wholesome amendment & the G.O. may be approved

Law Secretary

3/ 7/9/42



Execution applications pending for over a year are often dismissed for statistical purposes. An execution days Court have to run through a lot of work & are likely to omit to record an order that the attachment shall subsist just as they are now omitting to

NOTE—Cont. Sheet.

W.D. 94155—G.P.B.—55,000—23-10-41

Amendment to Rule 57 (2) of order XXI of the C.P.C.

File No. of 194 .

General and Revenue Secretariat

Serial No.

L....
SEP 8 1942
No. 2177

Give a direction whether the attached memo should proceed. Rule 57(2) provides for recovery

Perhaps it may be necessary to add "or for statistical purposes" after the word "execution" in the Rule.

The Right Courses may be considered in the matter

Chs
7-9-42

Munshi Jordan

3
8/9/42

What do you mean by dismissal for statistical purposes? Is it provided by law? Or is it a subterfuge to keep down figures of pendency? If the latter, how can it be given recognition in a Rule under C.P.C.?

Please consult Regr informally in person & note

Hm
8/9

Chs
8.9.42

Amendment to Rule 57 (2) of Order XXI of C P C

General and Revenue Secretariat | File No. 72 of 1942 | [App. F. III-2

Serial No.

OFFICE OF THE MINISTER FOR LAW
SEP 9 1942
No. 2237

The point has been considered by the High Court as under. Extract from the Register.

Therefore the sanction required for the amendment may be given

Minister for Law 8.9.42

3 9/9/42

9/9

Law 9-9-42

3/9/42

Submitted for order as to whether the draft G.O. in the file may issue

SECY. L. DEPT. 1940 11 12 GOVT. MYSORE

Yes G.O. may be approved

Law Secretary 3/1099

Law 11-9-42

3/11/9

2 Issued G.O. No. P 1814 dated 12.9.42 to the Regr. H.C. Sanctioning the recommendation contained in Sl.1

NOTE—Cont. Sheet.

WP 24155—GPE—55,000—23-10-41

B

cl572-42-1 120942

R. O. C. No. 1100 a1-42

Exc: order

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 24 August *1942.*

FROM

N. SAMAIENGAR, Esq., B.A., LL.B.,
~~T. SHAMIENGAR, Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

SECY. LAW DEPT. GOVT OF MYSORE

GENL & REV. SECRETARIAT. 26 AUG 1942 CHANCERY BRANCH.

To

K. NARAYANASWAMI NAIDU, Esq., B.A., B.L.,
Secretary to Government,
Law Department,
BANGALORE.

SIR,

I am directed to state that Rule 57 of Order XXI of the Code of Civil Procedure, 1911, as it stands after it was amended in 1933 (by High Court Notification No.R.Dis 27 of 1932-33, dated 15 June 1933, with the sanction of Government accorded in G.O.No.P 6249/Cts.49-32-15, dated 2 June 1933) provides that, where the Court makes an order dismissing an application for execution on account of the default of the decree-holder, it shall also direct whether a subsisting attachment shall continue or cease from the date of such order. The Rule does not provide what should happen to the attachment when the Court omits to give such a direction. The Judges of the High Court consider it desirable to amend the Rule so that, as in Calcutta, unless the Court's records an order to the contrary the attachment shall cease. The Judges, in accordance with the opinion of the majority of the Rule Committee, propose to substitute the sub-rule set out in the enclosure for the existing sub-rule (2) of the Rule.

The proposed amendment was published in the Mysore Gazette of 16 July 1942 and no objection nor suggestion has been received.

I am to request that the Government may be pleased to accord sanction to the proposed amendment under Section 126 of the

Code

Code of Civil Procedure.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

MSN.

G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 19 .

Date of issue 12/9/1942

Signed by Dis. K. P. P.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Section C&S

File No. 72-42

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G. O. No P 6269/Cts 49-32-15 Dy 2.6.1933 Sanctioning Certain amendment to Rule 57 of order XXI, Code of Civil procedure, 1911.

2) Letter No Roc 1100/41-42 Dy 24.8.1942 from the Registrar High Court of Mysore stating that the Judges of the High Court Consider it desirable in the circumstances explained that Sub rule (2) of Rule 57 of order XXI of the

Code of Civil Procedure may Should
be amended as proposed
in the appended Statement
and requesting Sanction
of Govt thereto.

order P 1814 / Secl Dy 12/9/42

Sanctioned

cw
11-9-42

Secy to Govt
Law Dept

To
The Registrar High Court
Hyd

List of Enclosures

Copied by

Examined by

WD 03696—GPB—30,000—2-2-40

Proposed amendment of Rule 57 of Order XXI of the Code of Civil Procedure.

Substitute the following for the existing sub-rule (2) of Rule 57 of Order XXI of the Code of Civil Procedure, 1911, viz.-

> (2) Where the Court dismisses the application for execution, the attachment shall cease, unless the Court records an order to the contrary."

N Samarasinghe

REGISTRAR.

MSN.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read -

Government Order No.P.6249/Cts.49-32-15 dated 2nd June 1933 sanctioning certain amendment to Rule 57 of Order XXI Code of Civil Procedure, 1911.

2. Letter No.Roc.1100/41-42 dated 24th August 1942 from the Registrar, High Court of Mysore stating that the Judges of the High Court consider it desirable in the circumstances explained that Sub rule (2) of Rule 57 of Order XXI of the Code of Civil Procedure should be amended as proposed in the appended statement and requesting sanction of Government thereto.

ORDER No. P1816 Ch 72-42-2
Rec/

Dated, Bangalore, 12th September 1942.

S A N C T I O N E D.

Secretary to Government,
Law Department.

To

The Registrar, High Court of Mysore.

Substitute the following for the existing sub-rule (2) of Rule 57 of Order XXI of the Code of Civil Procedur 1911, viz.-

"(2) Where the Court dismisses the application for execution, the attachment shall cease, unless th Court records an order to the contrary".

Majanay
12.9.42
For Secretary to Government
Law Department